

### **REMARKS**

In response to the Office Action mailed April 27, 2007 (herein referred to as "the Office Action"), the Applicant respectfully requests reconsideration based on the above amendments to the specification and claims and the following remarks. The Applicant respectfully submits that the claims as presented are in condition for allowance.

The Applicant acknowledges with appreciation the telephonic interview granted by the Examiner, conducted on September 11, 2007. During the interview, the Examiner's interpretation of the cited Bushnell and Mitchell references as applied to the claim language of claims 3, 5, and 9, was discussed.

In the specification, paragraphs [0016] and [0019] are herein amended to indicate that the subscriber database element 124, illustrated in FIG. 1, is concomitantly described exclusively as subscriber database 124 in the specification.

Claims 7-8 are herein canceled without prejudice or disclaimer. Claims 1-5 and 9-21 remain in the application. No new matter has been added by the amendments. The objections and rejections are respectfully traversed below.

### **Claim Objections**

Claims 7 and 9 were objected to because of informalities. Claim 7 has been canceled and the subject matter of claim 7 is herein incorporated into claims 1, 9 and 19 including completion of the recitation of 7, which was inadvertently absent from claim 7, i.e., claims 1, 9 and 19 now recite: "presenting screening options to a subscriber at the subscriber telephone number in response to receipt of the identification data" (see claim 1, lines 21-23; see claim 9, lines 26-28 and see claim 19, lines 23-25). Claim 9 has been amended to correctly indicate an amendment with proper underlining of the added recitation: "causing the subscriber telephone to display caller data for a known phone number and a private indicator for a private phone number" (claim 9, lines 21-22). Therefore, it is respectfully requested that the objections of claims 7 and 9 be withdrawn in the next Office Action.

**Claim Rejection - 35 U.S.C. §112**

Claims 9-18 and 21 were rejected under 35 U.S.C. §112 second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 has been amended to correct a typographical error and clearly recite that "a subscriber database of telephone numbers, which is in communication with the service control point" (claim 9, lines 9-10). Examples of the service control point "SCP 116 accesses a server 122 via a network 120 to access data contained in the subscriber database" discussed in the original specification in paragraphs [0018] and [0019], as well as shown in FIG. 1. Therefore, the Applicant respectfully submits that claim 9 as amended clearly and distinctly recites "a subscriber database . . . which is in communication with the service control point" (claim 9, lines 9-10); thus, claim 9 is definite. Furthermore, claims 10-18 and 21 depend from claim 9 and are definite for the reasons discussed above, in regard to claim 9. It is respectfully requested that the rejections under 35 U.S.C. §112 of claims 9-18 and 21 be withdrawn in the next Office Action.

**Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 1-5, 7, 9-11, 13-14, 17, and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2004/0120504 to Bushnell (hereinafter "Bushnell") in view of U.S. Patent No. 5,651,053 to Mitchell (hereinafter "Mitchell"), and further in view of U.S. Patent No. 5,651,053 to Lim (hereinafter "Lim").

Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Bushnell, Mitchell, and Lim and further in view of U.S. Patent Application Publication No. 2004/0096046, to Lection (hereinafter "Lection").

Independent claims 1, 9, and 19 are herein amended to incorporate the subject matter of claims 7-8. Further, claims 7-8 are herein canceled. Applicant respectfully traverses the rejections under 35 U.S.C. § 103(a) for at least the following reasons.

The references to Bushnell, Mitchell, Lim and Lection, either considered in combination or taken individually, do not teach or suggest "*wherein presenting screening options to the*

*subscriber include an always answer option* performed in response to a selection by the subscriber; and wherein performing the always answer option includes: *adding said caller telephone number to said subscriber database and connecting the incoming telephone call between said subscriber telephone number and said caller telephone number*" (claim 1, lines 24-28; claim 9, lines 29-33; and claim 19, lines 26-30, emphasis added).

In item 8 on page 10 of the Office Action, it was admitted that: "Bushnell, Mitchell, and Lim do not teach . . . a screening option of always answering a call and connecting the calling party to [the] called subscriber" (Office Action, page 10, lines 7-8). Next, in item 8 on page 10 of the Office Action, it was alleged however, that according to Lektion, paragraph [0023], "in the same field of endeavor, Lektion teaches . . . automatically answering the telephone call if the caller identification data (calling line number) matches an entry in the screening list maintained for the subscriber" (Office Action, page 8, lines 9-11).

In contrast to the above allegation, what was cited in Lektion, paragraph [0023] describes receipt of a call where:

the handset 160 can identify the caller identification data 120 [and] can subject the telephone call to a call screening process 150 prior to routing the telephone call to one of the called party 170 and voice mail 130. Importantly, the call screening process can programmatically compare the caller identification data 120 to a filter list 140 in order to determine the manner in which the telephone call ought to be handled. In this regard, the call screening process 150 can determine whether the caller identification data 120 matches a listing within the filter list 140, which listing corresponds to a particular call management rule. Examples of call management rules can include, for instance, automatically answering the telephone call, routing the telephone call directly to voice mail 130 in a call deferral process, or prompting the called party 190 for instructions on whether to defer or accept the telephone call.

(Lektion, paragraph [0023]). Thus, Lektion merely discloses a call screening process 150 that determines based on the filter list 140 if the telephone call should be answered or sent to voice mail, or if the called party should be prompted for instructions on whether to defer or accept the telephone call. Lektion fails to teach or suggest that the call screening process 150 presents *"screening options to the subscriber that include an always answer option* performed in response to a selection by the subscriber" (as recited in claim 1, lines 24-25; claim 9, lines 29-30; and claim 19, lines 26-27, emphasis added). Lektion also fails to teach or suggest that such an

*"always answer option includes adding the caller telephone number to the subscriber database and connecting the incoming telephone call between the subscriber telephone number and the caller telephone number"* (claim 1, lines 26-28; claim 9, lines 31-33; and claim 19, lines 28-30, emphasis added). For all of the above reasons claims 1, 9 and 19 distinguish over the applied art of record and are allowable.

Claims 2-5 and 20 depend from claim 1; claims 10, 11, 13, 14 and 17 depend from claim 9, and claim 21 depends from claim 19. Therefore claims 2-5, 10, 11, 13, 14, 17 and 20-21 distinguish over the applied art for the reasons discussed in regard to claims 1, 9 and 19 respectively; and said claims are allowable at least due to their dependency on claims 1, 9 and 19.

Claim 12 was rejected under 35 U.S.C. § 103(a) as unpatentable over Bushnell, Mitchell, and Lim and further in view of U.S. Patent No. 6,944,184 to Miller (hereinafter "Miller"). The Applicant respectfully traverses the rejection for at least the following reasons.

As stated above, Bushnell, Mitchell, Lim, and Lektion, either considered in combination or taken individually, do not teach or suggest all of the recitations of claim 9, from which claim 12 depends. The addition of Miller does not cure the deficiencies in Bushnell, Mitchell, Lim, and Lektion, in regard to claim 9; therefore, the Applicant submits that claim 12 is allowable at least due to its dependency from claim 9 and subsequent base claims.

Claims 15-16 and 18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bushnell, Mitchell, and Lim and further in view of U.S. Patent No. 6,658,455 to Weinman (hereinafter "Weinman"). Applicant respectfully traverses the rejections for at least the following reasons.

Bushnell, Mitchell, Lim, Lektion and Miller, either considered in combination or taken individually, do not teach or suggest all of the recitations of claim 9, from which claims 15-16 and 18 depend. The addition of Weinman does not cure the deficiencies in Bushnell, Mitchell, Lim, Miller and Lektion; therefore, the Applicant submits that claims 15-16 and 18 are allowable at least due to their dependency from claim 9 and subsequent base claims. Thus, for all of the

above reasons, it is respectfully requested that the rejections of claims 1-5 and 9-21 under 35 U.S.C. § 103(a) be withdrawn in the next Office Action.

### Conclusion

In view of the foregoing amendments and remarks, the Applicant submits that the references cited by the Examiner taken in combination or individually, do not teach or suggest the recitations of the present claimed invention. Thus, it is submitted that claims 1-5 and 9-21 are in condition suitable for allowance. Entry of the Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to contact the undersigned and request the undersigned attorney attend to these matters.

Finally, if there are any additional charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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